

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 23-9698-MWF(BFMx)

Date: March 14, 2024

Title Lin Hui Chen v. Bank of America N.A.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

A review of the docket in this action reflects that the Complaint was filed on November 10, 2023. (Docket No. 1). On November 27, 2023, Plaintiff (at the time proceeding pro se) filed an Amended Complaint. (Docket No. 10). On January 16, 2024, Plaintiff filed a Proof of Service of the Summons upon Defendant Bank of America N.A. (Docket No. 12). The Proof of Service does not specify which version of the Complaint was served on Defendant.

On February 7, 2024, an Ex Parte Application for (1) a Temporary Restraining Order, and (2) an Order to Show Cause (the “Ex Parte Application”) was filed by attorney Safora Nowrouzi, identified as “Attorney for Plaintiff.” (Docket No. 13). Attorney Nowrouzi did not file a Request for Approval of Substitution of Attorney or Notice of Appearance prior to filing the Ex Parte Application. However, attorney Nowrouzi updated the docket to reflect representation of Plaintiff, which replaced the information for pro se Plaintiff. On February 8, 2024, the Court filed a Scheduling Notice and Order regarding the Ex Parte Application. (Docket No. 14). That same day, Plaintiff filed a Notice of Withdrawal of the Ex Parte Application. (Docket No. 15).

Pursuant to Federal Rule of Civil Procedure, Rule 4(m), the time for Plaintiff to properly serve Defendant with the Summons and Amended Complaint expired

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on February 8, 2024. However, in light of Plaintiff's prior pro se status, the Court extends that deadline.

The Court **ORDERS** Plaintiff to **SHOW CAUSE** why this action should not be dismissed for lack of prosecution. In response to this Order to Show Cause, the Court will accept the following no later than **MARCH 29, 2024**.

- BY PLAINTIFF: PROOF OF SERVICE of Summons and Amended Complaint on Defendant.

AND/OR

- BY DEFENDANT: RESPONSE TO THE AMENDED COMPLAINT.
The parties may also file an appropriate stipulation to extend the time within which Defendant must respond to the Complaint.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause by **MARCH 29, 2024**, will result in the dismissal of this action.

IT IS SO ORDERED.